

under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 4,976,715 issued to Bays et al. on December 11, 1990. Claim 15 was rejected under 35 U.S.C. § 103 as being unpatentable over Bays et al. Claims 9, 11, 12, 14 and 15 were rejected under 35 U.S.C. § 103 as being unpatentable over Bays et al. in view of U.S. Patent No. 4,728,238 issued to Chisholm et al. on March 1, 1988.

Please amend this application as follows:

IN THE CLAIMS:

10 Please cancel claims 9, 11, 12 and 15 through 18 in the application and add new claims 19-27.

Please amend the Application as follows:

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19. (new) A tissue rivet for holding two pieces of tissue together and to prevent movement of said rivet in the tissue made of a bioabsorbable material comprising a single hollow shaft, said hollow shaft having a truncated conical head at its front end, and a flexible member at its rear end, said flexible member having a diameter larger than the diameter of said hollow shaft and sufficiently flexible so as to be capable of deforming so as to conform to the angle of the tissue and the rivet and capable of deforming so as to conform to the surface of the tissue in which said rivet is inserted, said hollow shaft having a plurality of spaced, separate, flexible projections extending radially from said hollow shaft, each of said plurality of flexible projections capable of flexing toward said shaft when being inserted in the tissue and extending at a height from said shaft, said height being a dimension larger than the largest diameter dimension of the head of said shaft.

20. (new) The rivet of claim 19 in combination with a driving means, said driving means comprising a rod having an outer diameter smaller than the inside diameter of the hollow

shaft of said rivet and an upper handle portion having a diameter larger than the inside diameter of the hollow shaft of said rivet, said rod having a tapered tip, said tip forming the same angle as the angle of the conical head of said rivet, whereby when the rod is fitted within the hollow shaft of the rivet, the surface of the tip of said driving means forms a smooth transition with said conical head of the rivet.

21. (new) The combination and driving means rivet of claim 20 in which the length of said rod from the handle to said tapered tip is the length of said rivet.

22. (new) The tissue rivet of claim 19 in which there are at least five such projections.

23. (new) The tissue rivet of claim 19 in which said flexible projections are positioned in a radially staggered configuration along said shaft.

24. (new) The tissue rivet of claim 23 in which no more than two apexes of said flexible projections are in one plane perpendicular to the longitudinal axis of said shaft at any point along said shaft, whereby the maximum width of said rivet does not exceed the sum of said apexes to facilitate the insertion of said rivet through an opening in the tissue in which said rivet is inserted.

25. (new) The tissue rivet of claim 19 in which each of said plurality of flexible projections having an apex at a minimum height from said shaft, the apex of consecutive said flexible projections being spaced at a distance equal to less than said maximum height.

26. (new) The tissue rivet of claim 19 in which said flexible member has a greater surface area to mass ratio than